

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
JUSTIN BRADLEY CHRISTENSEN  
  
Defendant.

**No. 05-CR-4070-DEO  
  
ORDER ON REPORT AND  
RECOMMENDATION**

Before the Court and on file at Docket No. 66 is the Report and Recommendation ("R&R") issued by Magistrate Judge Leonard T. Strand concerning the Plaintiff's Petition to Revoke the Defendant's [hereinafter Mr. Christensen] Supervised Release. The R&R recommends that the Government's Petition be granted. The parties have not filed any objections to the Report and Recommendation.<sup>1</sup>

**I. FACTS**

On December 16, 2005, Mr. Christensen was sentenced to 60 months imprisonment and a three-year term of supervised release based on his plea of guilty to possession of a firearm after having been convicted of a felony. See Doc. No. 26. He began serving his term of supervised release (TSR) on November

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<sup>1</sup>See Docket No. 68, where the Defendant states that he "has no objection to the Court's Report and Recommendation..."

5, 2010. On January 23, 2013, the Government filed a Petition seeking to Revoke TSR. Docket No. 56. The Government supplemented the Petition on January 29, 2013. Docket No. 62. In those Petitions, the Government alleges that Mr. Christensen has committed numerous violations, including failure to comply with drug testing, use of alcohol, having an open container in a vehicle and operating while intoxicated. Mr. Christensen has also been charged with domestic assault, has used controlled substances, and made false statements to his U.S. Probation Officer.

At a hearing before Judge Strand, Mr. Christensen admitted to all the alleged violations. Judge Strand determined that Mr. Christensen had violated the terms of his supervised release and recommended that the Government's Petition be granted. Docket No. 66. That Recommendation is now before this Court.

## **II. STANDARD**

Pursuant to statute, this Court's standard of review for a magistrate judge's Report and Recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge].

28 U.S.C. § 636(b)(1).

### **III. ANALYSIS**

The Court has reviewed the Report and Recommendation, along with the entire file, and finds Judge Strand's analysis and recommendations are appropriate and correct. The Court notes that neither party has filed an objection. Accordingly, the Court hereby ADOPTS the Report and Recommendation in its entirety.<sup>2</sup>

For the reasons set forth therein, the Government's Petition to revoke Mr. Christensen's supervised release is granted. Mr. Christensen is sentenced to time served. The terms of Mr. Christensen's TSR are re-imposed for a period of two years and those terms are modified to require that he reside in a Residential Reentry Center for a period of up to 180 days.

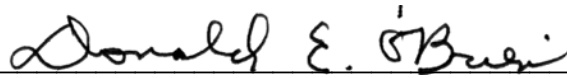
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<sup>2</sup> Although the contents of the Report and Recommendation will not be repeated, it is hereby referenced and incorporated as if fully set out herein.

#### IV. CONCLUSION

**IT IS ORDERED** that this Court accepts Judge Strand's Report and Recommendation. The Government's Petition to Revoke is granted in the manner set out above.

**IT IS SO ORDERED** this 4<sup>th</sup> day of March, 2013.

A handwritten signature in black ink, reading "Donald E. O'Brien", is written over a horizontal line.

Donald E. O'Brien, Senior Judge  
United States District Court  
Northern District of Iowa